Constitutional Law—Sterilization of Insane Persons.—In Haynes *v.* Lapeer Circuit Judge, 166 N. W. 938, the Supreme Court of Michigan held that the Michigan statute (Pub. Acts 1913, No. 34), providing for operations of vasectomy on male and salpingectomy on female insane or mentally defective persons maintained at public institutions, is unconstitutional and void as class legislation, in arbitrarily selecting only those confined in state institution. The court said in part:

"A sterilization law was enacted in the state of New Jersey in 1911, to which our act (No. 34 of 1913) is analogous in purpose and similar in various provisions. * * * The court of last resort in that state held the law unconstitutional for the same reason urged in this inquiry. Smith *v.* Board of Examiners of Feeble-Minded, 85 N. J. Law, 46, 88 Atl. 963. * * * The following clearly stated reasons for holding the law invalid as discriminating class legislation are well in point here:

"'It must be apparent that the class thus selected is singularly narrow when the broad purpose of the statute and the avowed object sought to be accomplished by it are considered. The objection, however, is not that the class is small as compared with the magnitude of the purpose in view, which is nothing less than the artificial improvement of society at large, but that it is singularly inept for the accomplishment of that purpose in this respect, viz. that if such object require the sterilization of the class so selected then a fortiori does it require the sterilization of the vastly greater class who are not protected from procreation by their confinement in state or county institutions. The broad class to which the legislative remedy is normally applicable is that of epileptics, i. e., all epileptics. * * * If it be conceded, for the sake of argument, that the Legislature may select one of these broadly defined classes, i. e., the poor, and may legislate solely with reference to this class, it is evident that, by the further subclassification of the poor into those who are and those who are not inmates in public charitable institutions, a principle of selection is adopted that bears no reasonable relation to the proposed scheme for the artificial betterment of society. For not only will society at large be just as injuriously affected by the procreation of epileptics who are not confined in such institutions as it will be by the procreation of those who are so confined, but the former vastly outnumber the latter, and are, in the nature of things, vastly more exposed to the temptation and opportunity of procreation, which indeed in cases of those confined in a presumably well-conducted public institution is reduced practically to nil.'"

Contracts—Excuse for Nonperformance—Epidemic of Infantile Paralysis.—In Hanford *v.* Connecticut Fair Ass'n Inc. (Conn.), 103

Atl. 838, the Supreme Court of Errors of Connecticut held that damages would not be awarded for breach of a contract to hold a baby show, where epidemic of infantile paralysis rendered the show highly dangerous to public health. The court said:

"The court will not require the performance or award damages for a breach of a contract in which the public have so great an interest as the preservation of health, if the health is in fact endangered, no more than it would require one to be performed the tendency of which was immoral, or which interfered with the right of every one to earn a livelihood by a lawful occupation. Connors *v.* Connolly, supra. The plaintiffs in their brief rely upon these cases. Libby *v.* Inhabitants of Douglas, 175 Mass. 128, 55 Atl. 808; Dewey *v.* Alpena School Dist., 43 Mich. 480, 5 N. W. 646, 38 Am. St. Rep. 206; and Gear et al., Trustees *v.* Gray (Ind. App.), 37 N. E. 1059. These appear to be actions brought by school teachers to recover salary when the schools had been closed by reason of the prevalence of some contagious or infectious disease in the community. There is a difference between a contract to teach school and one to promote and manage a baby show. Teaching proper subjects can never be unlawful or contrary to public policy, though the assemblage of a number of children in one room might become very harmful. The teacher has usually no control over the attendance in his school. The baby show, however, would be highly dangerous to health, and this is just what the parties have agreed to promote and carry out for their mutual profit."

Libel and Slander—Statement That Candidate Not a Citizen.—In MacInnis *v.* Nat. Herald Printing Co. (Minn.), 167 N. W. 200, the Supreme Court of Minnesota, held that a false written charge that an incumbent of an office and a candidate for re-election is not a citizen, when citizenship is a requisite of eligibility, is lebelous per se.

The court said: "It is conceded that the plaintiff was a naturalized citizen. He was an incumbent of the office of clerk and a candidate for re-election. Citizenship is a requisite of eligibility. If not a citizen an incumbent may be removed and a candidate not a citizen is not entitled to the office. The charge was against the plaintiff's legal right to hold his office or to be a candidate for election to it. One not a citizen can not with right notions of public rectitude and integrity hold office or be a candidate. That he is the incumbent or a candidate subjects him to some measure of just public hatred and contempt and lessens him in the esteem and confidence of a right-thinking community. A false written charge that an incumbent of an office and candidate for re-election is not a citizen, when citizenship is a requisite of eligibility, is libelous per se. No case holding this precise point is cited. There is no need of one.